

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Ever Daniel LOPEZ-Delgado

Defendant.

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Magistrate Case No. _____

BY *[Signature]* **COMPLAINT FOR VIOLATION OF**

Title 8, U.S.C., Section 1324(a)(2)(B)(ii)-
Bringing in Illegal Alien(s) for
Financial Gain

The undersigned complainant being duly sworn states:

On or about April 3, 2008, within the Southern District of California, defendant **Ever Daniel LOPEZ-Delgado**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, a minor male with initials **MMM**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien for the purpose of commercial advantage and private financial gain; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii).

[Signature]
SIGNATURE OF COMPLAINANT
Claudia Rios, United States Customs
and Border Protection Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **4th** DAY OF
April 2008.

[Signature]
UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

The complainant states that minor male **MMM** is a citizen of a country other than the United States; that said alien has admitted he is deportable; that his testimony is material; that it is impracticable to secure his attendance at trial by subpoena; and that he is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On April 3, 2008 at approximately 1345 hours Ever Daniel LOPEZ-Delgado (**Defendant**) made application for admission into the United States from Mexico through vehicle primary lanes at the Otay Mesa Port of Entry. Defendant was the driver of a 1985 Volvo station wagon. Defendant was accompanied by a minor male passenger later identified as **MMM**, (MW1). Defendant presented a DSP-150 Border Crossing Card bearing the name TOSCANO-Valdez, Ernesto to a Customs and Border Protection (CBP) Officer. Defendant also presented a Border Crossing Card on behalf of MW1 bearing the name AMADO-Rivera, Luis Alberto. CBP Officer asked Defendant where he was going. Defendant stated that he was going to Chula Vista, California. A CBP Officer suspected that the occupants of the vehicle were impostors. CBP Officers escorted the vehicle and its occupants to the secondary area for further inspection.

In secondary it was determined that Defendant was an impostor to the DSP-150 Border Crossing Card. It was also determined that the document presented for MW1 was photo substituted.

During a videotaped interview, Defendant was advised of his Miranda Rights. Defendant acknowledged his rights and elected to answer questions without the benefit of counsel. Defendant admitted that he is a citizen of Mexico with no legal documents to enter the U.S. Defendant stated that he made arrangements to be smuggled into the United States for 4,000 (USD). Defendant stated he agreed to drive the vehicle into the United States for a discounted fee of 2,000 (USD). Defendant stated that he was aware that MW1 did not have legal documents to enter the United States.

During a videotaped interview MW1 admitted to being a citizen of Mexico without documentation to enter the United States. MW1 stated he made the arrangements to be smuggled into the United States. MW1 stated a family member was to pay 2,000 (USD) after he successfully entered the United States. MW1 stated he was going to Oregon to gain employment.